

August 2, 2005

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 6:00 p.m. on Tuesday, August 2, 2005 in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Lieu*, Mauno McIntyre, Nowatka, Scotto, Witkowsky and Mayor Walker.

*Arrived at 6:01 p.m.

Absent: None.

Also Present: City Manager Jackson, Assistant City Attorney Pohl
City Clerk Herbers, and other staff representatives.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Nowatka.

Councilmember McIntyre gave an explication of Buddhism.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Mauno moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

MOTION: Councilmember Mauno moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

4. WITHDRAWN OR DEFERRED ITEMS

City Manager Jackson announced that Item 9A had been withdrawn and deferred to the August 9, 2005 City Council meeting.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Management Associate Toner introduced and welcomed Management Aides Rajan Agarwal and Kimanh Nguyen.

Fire Chief Bongard reminded the public that ExxonMobil's monthly test of the siren and community alert system was scheduled for Wednesday, August 3, at 11:30 a.m.

7. CONSENT CALENDAR

7A. APPROVAL OF MINUTES – MARCH 22, 2005

7B. APPROVAL OF FINAL TRACT MAP NO. 60011

Recommendation

Recommendation of the **Community Development Director** that City Council approve Final Tract Map No. 60011, creating eight (8) townhouse condominium units on one lot. It was subdivided by Redondo Thornburgh, LLC and located at 3864 Redondo Beach Boulevard, which substantially conforms to and meets all conditions of approval of the Tentative Map.

7C. LIBRARY COMMISSION ANNUAL REPORT 2004-2005

Recommendation

Recommendation of the **Community Services Director, City Librarian,** and the **Library Commission** that City Council accept and file the Library Commission's 2004-2005 annual report.

7D. PURCHASING AGREEMENT RE PACCAR/PETERBILT BRAND REPAIR PARTS

Recommendation

Recommendation of the **General Services Director** that City Council authorize a purchasing agreement with Rush Truck Center of Pico Rivera, CA, in an amount not to exceed \$60,000, for the sole-source purchase of Paccar/Peterbilt brand repair parts. The purchasing agreement will cover a 12-month term, beginning August 2, 2005 and ending August 1, 2006.

7E. CONTRACT RE ELEVATOR MAINTENANCE SERVICE

Recommendation

Recommendation of the **General Services Director** that City Council award a vendor contract to Amtech Elevator Services (2005-27) for \$125,000 for monthly elevator maintenance service for City buildings from September 1, 2005 to August 31, 2008.

7F. PARTNERSHIP AGREEMENT WITH TUSD FOR EMERGENCY RESPONSE AND CRISIS MANAGEMENT GRANT APPLICATION

Recommendation

Recommendation of the **Police Chief** that City Council authorize the Mayor, City Manager, Fire Chief, and Police Chief to sign the partnership agreement for the Torrance Unified School District's Emergency Response and Crisis Management Grant Application.

7G. APPROPRIATION OF GRANT FUNDS FOR USED OIL RECYCLING BLOCK GRANT

Recommendation

Recommendation of the **Public Works Director** that City Council approve the appropriation of grant funds for the next three year cycle of the Used Oil Recycling Block Grant funds for Fiscal Years 2005-2006, 2006-2007, and 2007-2008.

7H. CONTRACT SERVICES AGREEMENT FOR CONSTRUCTION INSPECTION SERVICES FOR 2005 CURB, GUTTER AND SIDEWALK REPAIR

Recommendation

Recommendation of the **Public Works Director** that City Council:

- 1) Award a contract services agreement in the amount of \$42,460 to Berryman & Henigar, Inc. to perform construction inspection services for the 2005 Curb, Gutter and Sidewalk Replacement Program (various locations), I-1 (B2005-33); and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

7I. SECOND AMENDMENT TO GREENWOOD PARK LEASE

Recommendation

Recommendation of the **Land Management Team** that City Council authorize the Mayor to execute and the City Clerk to attest to a Second Amendment to lease by and between the City of Torrance (City) and the Torrance Unified School District (TUSD) for a portion of certain real property located at 1520 Greenwood within Greenwood Park.

7J. ESTOPPEL CERTIFICATE FOR LEASE C89-007- 2780 SKYPARK

Recommendation

Recommendation of the **Land Management Team** that City Council authorize the Mayor to execute and the City Clerk to attest to Fifth Amendment to lease by and between the City of Torrance as landlord and Skypark RPR Associates II, a California Limited Partnership, as Tenant which modifies lease language to conform the lender as an "Approved Leasehold Mortgage", and a Ground Estoppel Certificate and Agreement made by and between the City of Torrance, a municipal corporation and Skypark RPR Associates II, a California limited partnership.

7K. TRANSIT SYSTEM ESTABLISHED OVERALL ANNUAL DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FOR FEDERAL FY 2006

Recommendation

Recommendation of the **Acting Transit Director** that City Council authorize the approval of the Established Overall Annual DBE Goal for Federal Fiscal Year 2006, to facilitate timely submission to the Federal Transit Administration (FTA) for funding authority approval by September 1, 2005, on behalf of the Torrance Transit System.

7L. AMENDMENT OF CONTRACT WITH ACTION CONTRACTORS FOR RENOVATION OF FINANCE DEPARTMENT

Recommendation

Recommendation of the **General Services Director** that City Council:

- 1) Approve a contract amendment with Action Contractors (C2004-216) to increase the contract amount by \$37,410 for a total contract amount of \$672,610 for renovation of the Finance Department; and
- 2) Approve a new contract contingency of \$6,350.

7M. SUBSIDY OF RENTAL FEES FOR EMPLOYEE VARIETY SHOW

Recommendation

Recommendation of the **City Manager** that City Council subsidize the rental fees at the James Armstrong Theatre in the amount of \$1,369.50 for the City of Torrance Employee Variety Show.

7N. MEMORANDUM OF UNDERSTANDING WITH BEACH CITIES TRANSIT FOR TORRANCE TRANSIT LINE 4 SERVICE

Recommendation

Recommendation of the **Acting Transit Director** that City Council authorize the City Manager to execute a Memorandum of Understanding (MOU) with Beach Cities Transit to provide Torrance Transit System Line 4 service from January 1, 2005 to December 31, 2006, at a cost not to exceed \$168,000.

MOTION: Councilmember Witkowsky moved for the approval on Consent Calendar Items 7A through 7N. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

9. PLANNING AND ECONOMIC DEVELOPMENT

9A. DEVELOPMENT IMPACT FEES

Recommendation

Recommendation of the **Community Development Director** that City Council:

- 1) Review and approve the Development Impact Fee Justification Study;
- 2) Hold an open and public meeting regarding the Development Impact Fee; and
- 3) Consider and approve the time and place for the public hearing, to be held on August 16, 2005 at 7:00 p.m. in the City Council Chambers, regarding the adoption of the development impact fee ordinances.

Item was withdrawn and deferred to August 9, 2005 City Council meeting.

11. ADMINISTRATIVE MATTERS

11A. CALPERS TWO-YEAR SERVICE CREDIT

Recommendation

Recommendation of the **City Manager** that City Council begin the process of offering a new two-year service credit in their CalPERS System to two classifications whose jobs have been deleted or being reallocated to achieve budget savings; and approve the reallocation of one Administrative Secretary position to one Secretary position in the Police Department. The cost to purchase the service credit is \$61,100 and is pursuant to Government Code 20903.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

11B. TORRANCE POLICE COMMANDERS ASSOCIATION MEMORANDUM OF UNDERSTANDING

Recommendation

Recommendation of the **City Manager** that City Council adopt a Memorandum of Understanding Resolution for the Torrance Police Commanders Association (TPCA) for the period July 10, 2005 through December 31, 2008.

City Manager Jackson reported that the proposed package was consistent with the package established for the Torrance Police Officers Association (TPOA).

MOTION: Councilmember McIntyre moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

RESOLUTION NO. 2005-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE POLICE COMMANDERS ASSOCIATION (TPCA) AND REPEALING RESOLUTION NO. 2005-57

MOTION: Councilmember Scotto moved for the adoption of Resolution No. 2005-61. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

11C. SCHEDULING OF COUNCIL MEETINGS

Recommendation

Recommendation of the **City Manager** that City Council cancel the meeting scheduled for September 13, 2005 in order to accommodate for a special election taking place on the same night.

The **City Manager** further recommends that City Council schedule a meeting on the previous dark night of August 30, 2005 in order to conduct City business.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

12. HEARINGS

12A. AMENDMENT OF TMC RE UPDATE OF ELECTRICAL CODE

Recommendation

Recommendation of the Community Development Director that City Council:

- 1) Hold a public hearing to consider an Ordinance amending the Torrance Municipal Code to incorporate by reference that part of the California Building Standards code of the State of California known as the California Electrical Code and the Uniform Administrative Code Provisions for the National Electrical Code with local amendments;
- 2) Approve a Resolution of findings for the local amendments; and
- 3) Approve an Ordinance Summary for publication.

City Manager's Note: At the July 12 City Council meeting, the public hearing for the first reading of the local ordinance amending the new State of California electrical code took place. By law, the City is required to advertise this public hearing, however, there was miscommunication between the City and the Daily Breeze and the required advertisement did not occur. This error was found prior to the second reading of the ordinance at the July 19 City Council meeting, and the item was pulled off the agenda.

Mayor Walker announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

The public hearing was opened at 6:09 p.m. As no one from the public came forward to speak, the public hearing was closed at 6:10 p.m.

MOTION: Councilmember Scotto moved to close the public hearing. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

ORDINANCE 3667

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING CHAPTER 2 OF DIVISION 8 OF THE TORRANCE MUNICIPAL CODE BY REPEALING ARTICLES 1 AND 2 OF CHAPTER 2, AND BY ENACTING NEW ARTICLES 1 AND 2, ALL OF WHICH ADOPT OR AMEND THE 2004 EDITION OF THE CALIFORNIA ELECTRICAL CODE AND UNIFORM ADMINISTRATIVE CODE PROVISIONS FOR THE NATIONAL ELECTRICAL CODE

MOTION: Councilmember Scotto moved for the adoption of Ordinance No. 3667. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

RESOLUTION NO. 2005-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE FINDING AND DECLARING THE EXISTENCE OF UNIQUE GEOLOGIC, TOPOGRAPHIC, AND CLIMATIC CONDITIONS IN THE CITY OF TORRANCE JUSTIFYING CERTAIN AMENDMENTS TO THAT PART OF THE CALIFORNIA BUILDING STANDARDS CODE OF THE STATE OF CALIFORNIA KNOWN AS THE CALIFORNIA ELECTRICAL CODE AND REPEALING RESOLUTION NO. 2005-52

MOTION: Councilmember Scotto moved for the adoption of Resolution No. 2005-62. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

MOTION: Councilmember Scotto moved to approve an ordinance summary for publication. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

15. SECOND READING ORDINANCES

15A. SECOND AND FINAL READING OF ORDINANCE NO. 3669

Second and Final Reading of Ordinance No. 3669 amending Section 61.10.1 of the Torrance Municipal Code related to posted speed limits within the City.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

MOTION: Councilmember Scotto moved for the adoption of Ordinance No. 3669. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

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The Council met as the Redevelopment Agency from 6:14 p.m. to 6:15 p.m.

16. ORAL COMMUNICATIONS

16A. Councilmember Lieu stated that Assembly Bill 98, which was intended to assist bus operators, has resulted in a difficult situation and asked staff to work together with their bargaining unit to achieve a solution.

16B. Councilmember Lieu announced that the Torrance Area Chamber of Commerce 19th Annual Gourmet Food and Wine Festival would be held on the grounds of American Honda on August 6 with proceeds benefiting the Little Company of Mary Partners for Healthy Kids, with information available at the Torrance Area Chamber of Commerce at 310.540.5858.

16C. Councilmember McIntyre commended staff on the timely manner in which staff was able to place various new bus shelters in the City, specifically the one located at the heavily used Carson and Madrona site.

16D. Councilmember Scotto announced that the new MAX bus route pocket guides would be available at City Hall in approximately one week.

16E. Councilmember Witkowski congratulated Jay Scharfman on the occasion of his son-in-law Michael's winning the chefs' competition on the television show Hell's Kitchen.

16F. Councilmember Witkowski congratulated City Manager LeRoy Jackson's son on being named the new principal at Calle Mayor Middle School.

16G. Jeannie Moorman, TME-AFSCME Local 1117, discussed problems that have developed due to the implementation of AB 98 concerning transit operators' breaks and lunches; offered suggestions as to how resolve the current situation; and encouraged the City to arrive at a mutually agreeable solution. (Material submitted for the record)

16H. Alan Lee, AFSCME International, discussed the situation of sanitation worker Mike Najjarian, who is undergoing treatment for cancer, stating that it was unfair and unconscionable to fill his position just because his eight-month leave of absence is up.

City Manager Jackson reported that management and supervisors have been working diligently to resolve Mr. Najjarian's situation and took offense at Mr. Lee's suggestion that they are unkind and uncaring. He recommended that TME-AFSCME focus their efforts on changing the rules for inactive status so the City can recover an employee whose leave has run out when he or she is able to return to work.

17. EXECUTIVE SESSION

At 6:32 p.m. City Council recessed to closed session to discuss matters listed on the agenda pursuant to Government Code Section 54956.9 (c).

The Council reconvened in open session at 6:46 p.m.

Assistant City Attorney Pohl announced that in closed session, the City Council by a 7-0 vote, authorized and directed the City Attorney to initiate litigation against the State of California Department of Transportation, commonly known as Caltrans, and any necessary real parties in interest regarding the traffic signal to be installed at 235th Street and Western Avenue.

18. ADJOURNMENT

At 6:48 p.m., the meeting was adjourned to Tuesday, August 9, 2005 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers

Attest:

/s/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC

City Clerk of the City of Torrance

Approved on October 11, 2005